UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH R. SINGLETON, JR.,

Case No. C13-751-JLR-JPD

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 1. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 15.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. On remand, the Administrative Law Judge ("ALJ") shall: (1) hold a *de novo* hearing and plaintiff may submit additional evidence and arguments; (2) reevaluate plaintiff's fibromyalgia in accordance with Social Security Ruling 12-2p and plaintiff's hepatitis C diagnosis; (3) determine whether the

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record establishes another medically determinable impairment; (4) reevaluate plaintiff's credibility, addressing relevant factors as set forth in Social Security Ruling 96-7p, and 2 reevaluate the lay evidence; (5) reevaluate all of the medical and other opinions of record, 3 including all opinion evidence and explain the weight given to the opinions; (6) reassess 4 plaintiff's residual functional capacity in accordance with Social Security Ruling 96-8p; (7) if 5 warranted, obtain testimony from a medical expert regarding plaintiff's chronic pain symptoms 6 associated with plaintiff's fibromyalgia and any limitations associated with the diagnosis; (8) if 7 warranted, obtain testimony from a psychological medical expert regarding plaintiff's 8 9 depression; (9) if warranted by the expanded record, obtain vocational expert testimony; and (10) take any other actions necessary to develop the record. 10 Upon proper application, plaintiff shall be eligible for reasonable attorney fees, expenses, and costs pursuant to 28 U.S.C. § 2412(d). 12 13 A proposed order accompanies this Report and Recommendation. DATED this 24th day of October, 2013. 14 amer P. Donoaue

MES P. DONOHUE

United States Magistrate Judge

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